

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.95 of 2022 & FAO No.139 of 2022

In FAO No.95 of 2022

Babita Kumari and others

.... ***Appellants***
Mr. S. Sen, Advocate

-versus-

Mrs. Kajal Gupta and another

.... ***Respondents***
Mr. G.P. Dutta, Advocate for Respondent No.2

In FAO No.139 of 2022

***The Legal Manager,
M/s.Cholamandalam MS General
Insurance Company Ltd.***

.... ***Appellant***
Mr. G.P. Dutta, Advocate

-versus-

Babita Kumari and others

.... ***Respondents***
Mr. S. Sen, Advocate for Respondent Nos.1 to 4

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
21.07.2022**

Order No.

I.A. No.98 of 2022 arising out of FAO No.95 of 2022

- 01.
1. Heard Mr. S. Sen, learned counsel for the claimants and Mr. G.P. Dutta, learned counsel for the insurer.
 2. Upon hearing both the parties and considering the grounds mentioned in the petition, the delay in filing the appeal is condoned.
 3. The I.A. is disposed of.

FAO Nos.95 of 2022 & 139 of 2022

4. Heard Mr. S. Sen, learned counsel for the claimants and Mr. G.P. Dutta, learned counsel for the insurer.

5. Both the appeals being arise out of same judgment dated 23.12.2021 of the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.191/2020 wherein compensation to the tune of Rs.14,03,626/- including interest has been granted to the claimants on account of death of the deceased in course of and arising out of his employment as the Driver of Truck bearing Registration No.OD-01-P-8645, are heard together and disposed of by this common order.

6. FAO No.95 of 2022 has been filed by the claimants for enhancement of the compensation amount and FAO No.139 of 2022 has been preferred by the insurer challenging the award.

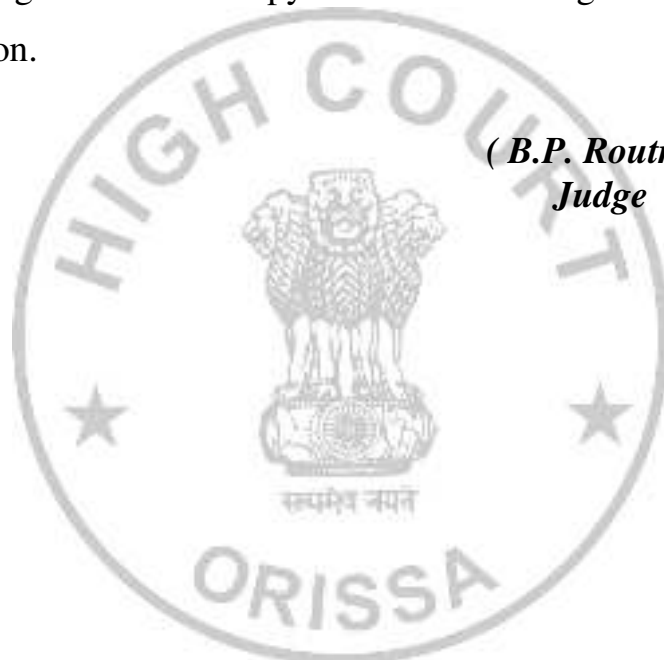
7. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.11,50,000/- (Rupees Eleven Lakhs Fifty Thousand) consolidated is proposed to the parties in course of hearing. Mr. S. Sen, learned counsel for the claimants agrees to the same and Mr. G.P. Dutta, learned counsel for Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

8. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of

Rs.11,50,000/- along with proportionate accrued interest be disbursed in favour of the claimants within a period of eight weeks from today and the balance amount along with proportionate accrued interest thereon shall be refunded to the Insurance Company within the same period on proper application.

9. With aforesaid modification of the award, both the FAOs are disposed of.

10. An urgent certified copy of this order be granted on proper application.



(*B.P. Routray*)
Judge